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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dragan P. Petrovic et al.
Serial No.: 10/701,036
Filed: November 4, 2003
Title: Detector with Condenser
Attorney
Docket No.: SYS-P-1090 US (8364-89727)
H0004603-0555

ted below:
Patricia Dielszowski
1-19-05

(Date)

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Responding to a Restriction Requirement mailed December 21, 2004, with a one-month response interval, Applicants hereby elect for initial prosecution, Group IV - Claims 20-39 with traverse. The Group III claims 10-19 and Group IV claims 40-45 should be examined at the same time as the elected Group IV claims 20-39 are examined.

The Examiner has acknowledged that Groups III, IV and V are all classified in class 73, subclass 31.05. In the restriction requirement, no reason for insisting on the restriction has been established. That is to say, there is no separate classification among the above-noted three groups, no separate status in the art where they are classified together has been established, and, no assertion has been made that a different field of search would be required.

As stated in the MPEP:

"to support a requirement for a restriction, both two-way distinctiveness and reasons for insisting on restriction are necessary, i.e., separate classification, status, or field of search." (MPEP, Eighth Edition, Rev. 1, pg. 800-42)

Thus, the Examiner's restriction requirement relative to Groups III, IV and V is deficient for failing to establish the necessary "reasons for insisting on restriction".

The Examiner's assertion on page 7 of the restriction requirement to the effect that:

"looking for each claimed nuance would create a burden for the Examiner." (Numbered Section 2 of Office Action).

does not qualify under the above noted requirements set forth by the MPEP as a sufficient reason for failing to examine claims 10-45 together.

For all of the above reasons, it is submitted that the claims of Groups III, IV and V should be examined together.

It is requested that the restriction requirement be withdrawn relative to Groups III, IV and V, and that these three groups be examined together.

Respectfully submitted,

By

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